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| 10/716,420 | 11/20/2003 | Charlie Jeong | 117822 | 6551 |
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| OLIFF & BERRIDGE, PLC | | | GRIFFIN, WALTER DEAN | |
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1764

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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanciulescu et al. (US 5,855,768).

The Stanciulescu reference discloses a process for removing contaminants from thermally cracked waste oil. The process comprises mixing the thermally cracked waste oil with methanol and then separating the waste oil from the solvent whereby a substantial portion of the

contaminants are removed into the solvent. The solvent extraction is carried out within 24 hours after the cracking of the oil. The extraction is carried out at a temperature below the boiling point of the methanol (i.e., 65°C). The contact time during the extraction is typically between about 5 and 40 minutes. The extraction may be carried out in two steps. The process is carried out with a ratio of oil to methanol ranging from 1:4 to 4:1. The separated solvent is flashed to separate methanol from the contaminants. This separated methanol is then recycled. See column 1, line 59 through column 2, line 37 and column 2, line 61 through column 3, line 9.

The Stanciulescu reference does not disclose the claimed pressure range, does not mention the purity of the methanol, does not explicitly disclose the time after cracking in which the extraction begins as in claim 4, and does not disclose the actual and relative ratios in each of the two extraction steps.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of Stanciulescu by using pressures as claimed because the reference discloses that the process may be carried out atmospheric pressure. The use of the word "may" indicates that this is not a requirement for the process. Therefore, one would expect the process to be effective at pressures other than atmospheric such as claimed and one would operate the process as such with the expectation that the contaminants would be effectively removed from the oil.

It also would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of Stanciulescu by using methanol of the claimed purity because a purer solvent would be expected to be more effective at extracting contaminants.

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It also would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of Stanciulescu by extracting within 20 minutes after cracking because the Stanciulescu reference discloses that it is advantageous to carry out the extraction within a short time (i.e., within 24 hours) after thermal cracking. Therefore, one would be directed to use any time less than 24 hours with shorter times providing advantages over longer times.

It also would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of Stanciulescu by using methanol to solvent ratios as claimed because these ratios fall within the range disclose by Stanciulescu and therefore would be expected to provide effective contaminant removal.

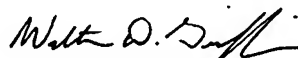
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter D. Griffin whose telephone number is (571) 272-1447. The examiner can normally be reached on M-F 6:30 to 4:00 with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Walter D. Griffin
Primary Examiner
Art Unit 1764

WG

February 27, 2006